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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,408	11/03/2000	Mitsuru Takeyasu	80A 3002	7889

7590 11/05/2003
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EXAMINER

WARD, JOHN A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,408

Applicant(s)

TAKEYASU ET AL.

Examiner

John A. Ward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vukosic (US 6,483,439) in view of Parkyn, Jr. (US 5,924,788).

Regarding claim 1, Vukosic ('439) discloses a omni directional warning lamp comprising a plurality of light emitting diodes 16 mounted radially on a horizontal circumference (column 1, lines 55-58).

Regarding claim 1, 2 and 3, Vukosic does not disclose the warning lamp comprising of an elliptically light distributing LED's with a diffusion part.

Regarding claim 1, Parkyn, Jr. ('788) discloses an elliptically distributing light emitting diode (LED) 450 figures 4 and 9 shows that the light emitting diodes distributes light in elliptically form.

Regarding claim 2, Parkyn, Jr. discloses that the lens have a diffusion part (claim 16) in a horizontal direction (claim 8).

Regarding claim 3, Parkyn, Jr. teaches that the film on the lens can be a diffusive film (column 7, lines 36-43).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the warning lamp of Vukosic with the elliptically

distributed light emitting diode of Parkyn, Jr. in order to provide an illumination system with a prescribed output pattern as taught by Parkyn, Jr. (column 3, lines 41-46).

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkyn, Jr. (US 5,924,788) in view of Vukosic (US 6,483,439).

Regarding claim 4, Parkyn, Jr. discloses a light emitting diode 450 having a cylindrical type lens

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDermott in view of in view of McDermott (US 5,894,196) and in view of Parkyn, Jr. (US 5,924,788)

McDermott regarding claims 4-6 discloses all the limitations of the claims comprising of LEDs S1-S7, a lens 32, having a diffuses portion (claim 6), figure 1, 2, and 12, teaches how the LED lighting fixtures are provided radially and on a horizontal circumference. Figure 12 show that the lighting fixture can be stacked for an increase of illumination.

McDermott does not disclose elliptically light distributing LEDs.

Regarding claim 4, discloses an angled elliptical axial light device comprising of an elliptical light emitting diodes having an elliptical distribution (claim 1).

McDermott does not disclose that a screw that runs through the bosses of the lighting fixture fastens the stack units or the lens being unit-type lens.

It is desired to provide a means to attach a plurality of circuit boards together in a vertical array in order to provide an increased amount of light emitting from the lighting device, and a means to mount the circuit boards.

Regarding claim 4, Parkyn, Jr. ('788) discloses an elliptically distributing light emitting diode (LED) 450 figures 4 and 9 shows that the light emitting diodes distributes light in elliptically form.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the lighting device of McDermott with he elliptical axial lighting of McDermott and the light emitting diode of Parkyn, Jr. in order to provide an lighting device to provide a plurality of LED elements to project a composite light beam with an elongated beam pattern using an optical system that optimizes the percentage of created light that contributes to the light beam as taught by McDermott (column 2, lines 48-52).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dermott (US 5,894,196) in view of Parkyn, Jr. ('788).

Regarding claim 7, McDermott in view of Parkyn, Jr. discloses the limitations of the claimed invention as cited in the rejection above including an elliptically distributed light emitting diode, except for the LED's having a divergence angle of 120-150 degrees. It would have been obvious to one of ordinary skill in the art the time the invention was made to provide the LED's having a horizontal divergence of an angle from 120-150 degrees, since it has been held that where the general conditions of a

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claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Response to Arguments

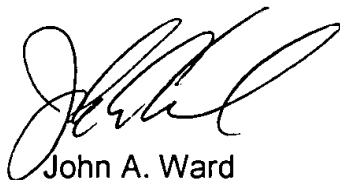
Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.

JAW
October 31, 2003



John A. Ward
Patent Examiner AU 2875